

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF/RESPONDENT

v.

No. 2:06-cr-20055-1

BUDDY EUGENE MANNING

DEFENDANT/PETITIONER

**O R D E R**

Currently before the Court is Petitioner's Motion for Reconsideration (doc. 49) of the Court's September 28, 2009 Order denying his Motion to Set Aside or Vacate Conviction Pursuant to 28 U.S.C. § 2255 or in the Alternative Pursuant to 28 U.S.C. § 2241. For his motion, Petitioner states that the United States Supreme Court has granted a writ of certiorari to the Court of Appeals for the Seventh Circuit in the case of *United States v. Carr*, 551 F.3d 578 (7th Cir. 2008). Petitioner states that because the issue to be addressed by the Supreme Court in *Carr* is similar to that addressed by this Court in its September 28, 2009 Order, this Court should stay its ruling. The relief requested by Petitioner is speculative and unnecessary. Should the Supreme Court announce a controlling rule of law that demonstrates that this Court was in err, Petitioner may take appropriate legal steps. Therefore, Petitioner's Motion for Reconsideration (doc. 49) is **DENIED**.

IT IS SO ORDERED this 19th day of October 2009.

/s/ Robert T. Dawson  
Robert T. Dawson  
United States District Judge